

**REMARKS**

Claims 1, 4, and 5 have been amended to clarify the invention, to address the informality in claim 5, and to better define the invention over the prior art. The specification and the abstract have been amended to address the objections raised by the Examiner. No new matter has been entered by any of the foregoing amendments.

The objection to FIG. 7 is in error. All four reference numbers mentioned by the Examiner are contained in paragraph number 0040 which begins at line 1 of page 24 of the original filed specification.

Turning to the rejection of claims 1 and 4 under 35 USC 112, first paragraph, as based on a disclosure which is not enabling is in error, the requirement 'in the vicinity' is defined in the paragraph beginning at page 11, line 18 of the original specification. See in particular page 11, line 24-page 12, line 4.

Turning to the rejection of claims 1-8 under 35 USC 103(a) as being unpatentable over *Cascade Microtech Technical Brief*, and further in view of *Agilent 8510C Network Analyzer Data Sheet*, independent claim 1 requires, in part, "a probe comprising ... a variable impedance element disposed in the vicinity of and in electrical communication with a terminal." Neither reference discloses the variable impedance element is part of the probe. Thus no combination of *Cascade Microtech Technical Brief*, and *Agilent 8510C Network Analyzer Data Sheet* would achieve or render obvious claim 1.

And, independent claim 4 requires, in part, "a variable impedance element that is connected to said measuring instrument." Neither reference discloses the variable impedance element connected to the measuring instrument. Thus, no combination of *Cascade Microtech Technical Brief* and *Agilent 8510C Network Analyzer Data Sheet* would achieve or render obvious claim 4.

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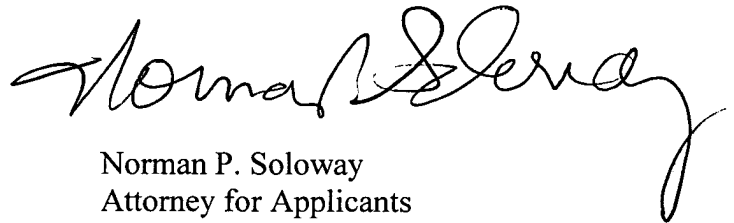
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Claims 2-3 and 5-8 depend from claims 1 or 4 as the case may be, and are allowable for the same reasons above adduced relative to claims 1 and 4 as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

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